

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Genevieve Lamont	Team: Squad #8	CCRB Case #: 202003980	<input checked="" type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input checked="" type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Thursday, 06/04/2020 9:19 PM, Thursday, 06/04/2020 9:20 PM	Location of Incident: Intersection of Penn Street and Wythe Avenue	Precinct: 90	18 Mo. SOL 12/4/2021	EO SOL 5/4/2022	
Date/Time CV Reported Sat, 06/06/2020 1:27 AM	CV Reported At: CCRB	How CV Reported: On-line website	Date/Time Received at CCRB Sat, 06/06/2020 1:27 AM		

Complainant/Victim	Type	Home Address

Witness(es)	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. Officers			
2. An officer			
3. CPT Tarik Sheppard	00000	945351	C A B

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Aaron Husbands	04274	965752	079 PCT
2. POM Risel Martinez	22049	953063	073 PCT
3. POM Luis Negron	26287	968665	090 PCT
4. DTS Jonadel Dorrejo	3595	943413	C A B

Officer(s)	Allegation	Investigator Recommendation
A. An officer	Force: An officer used physical force against § 87(2)(b)	
B.CPT Tarik Sheppard	Force: Captain Tarik Sheppard used physical force against § 87(2)(b)	
C.CPT Tarik Sheppard	Force: Captain Tarik Sheppard used physical force against § 87(2)(b)	
D.CPT Tarik Sheppard	Force: Captain Tarik Sheppard used a taser against § 87(2)(b)	
E. Officers	Force: Officers used physical force against § 87(2)(b)	
F. Officers	Abuse: Officers detained § 87(2)(b)	
G.CPT Tarik Sheppard	Abuse: Captina Tarik Sheppard threatened § 87(2)(b) with the use of force.	
H. An officer	Force: At the § 87(2)(b) in Brooklyn, an officer used physical force against § 87(2)(b)	

Officer(s)	Allegation	Investigator Recommendation
I. An officer	Off. Language: At the § 87(2)(b) in Brooklyn, an officer made offensive remarks to § 87(2)(b)	
J. Officers	Off. Language: At Brooklyn Central Booking in Brooklynm officers made offensive remarks to § 87(2)(b)	
	§ 87(4-b), § 87(2)(g)	
§ 87(2)(b)	§ 87(4-b), § 87(2)(g)	

Case Summary

On June 6, 2020, § 87(2)(b) filed this complaint online with the CCRB on behalf of § 87(2)(b) § 87(2)(b)

On June 4, 2020, at around 8:00 p.m., § 87(2)(b) and § 87(2)(b) attended a protest at Penn Street and Wythe Avenue in Brooklyn, in honor of George Floyd. During the protest, § 87(2)(b) and § 87(2)(b) were separated.

§ 87(2)(b) encountered an officer striking a protester with a baton. This officer pushed her and walked away (**Allegation A: Force;** § 87(2)(g) § 87(2)(b) then attempted to locate § 87(2)(b) while doing so, she was taken to the ground by Captain Tarik Sheppard from the Community Affairs Bureau (**Allegation B: Force;** § 87(2)(g) § 87(2)(b)). Once on the ground, Captain Sheppard placed her hands behind her back and allegedly placed his knee on her shoulder blade (**Allegation C: Force;** § 87(2)(g) § 87(2)(b)). Captain Sheppard then tased § 87(2)(b) (**Allegation D: Force;** § 87(2)(g) § 87(2)(b)). While being tased, § 87(2)(b) allegedly felt blows all over her body (**Allegation E: Force;** § 87(2)(g) § 87(2)(b)). § 87(2)(b) was then handcuffed and escorted to an ambulance (**Allegation F: Abuse of Authority;** § 87(2)(g) § 87(2)(b)). § 87(2)(b) continually told the officers that she could not breathe, to which Captain Sheppard allegedly responded, “You’re really not going to be able to breathe if you keep up this performance” (**Allegation G: Abuse of Authority;** § 87(2)(g) § 87(2)(b)). § 87(2)(b) was ultimately removed to § 87(2)(b) to have the taser barbs removed. She received a summons, issued to her by PO Risel Martinez from the 73rd Precinct, § 87(2)(b) [BR02].

While searching for § 87(2)(b) multiple officers allegedly grabbed § 87(2)(b) by her arms, legs, and back and an officer allegedly placed his knee on her leg (**Allegation H: Force;** § 87(2)(g) § 87(2)(b)). § 87(2)(b) was then handcuffed with zip-ties, and two officers referred to her as “Laura Croft”, which made § 87(2)(b) uncomfortable (**Allegation I: Offensive Language;** § 87(2)(g) § 87(2)(b)). § 87(2)(b) was then transported to Brooklyn Central Booking by PO Luis Negron from the 90th Precinct and PO Aaron Husbands from the 79th Precinct. Upon arriving, § 87(2)(b) and other protesters waited in line to be processed. During this, an officer referred to her as “Tomb Raider” (**Allegation J: Offensive Language;** § 87(2)(g) § 87(2)(b)). At one point, an officer told her to “give [him] a spin” and commented “Looks nice” (**Allegation J (cont.); Offensive Language;** § 87(2)(g) § 87(2)(b)). § 87(2)(b) was released from Brooklyn Central Booking § 87(2)(b), issued to her by PO Negron [BR03].

The investigation received TARU footage for this incident [BR04 and BR05]. § 87(2)(b) a civilian witness to the incident, provided the investigation with cellphone footage he took, which was featured, along with § 87(2)(b) s cellphone footage, § 87(2)(b) [BR06, BR07, BR08 and BR09, respectively]. Requests for body-worn camera (BWC) footage for this incident were returned with negative results [BR10].

Findings and Recommendations

Allegation (A) Force: An officer used physical force against § 87(2)(b)

§ 87(2)(b) testified that she arrived at Penn Street and Wythe Avenue in Brooklyn at around 8:00 p.m., at which time the city-wide curfew had been enacted. She engaged in a standoff

between police officers and about 50 protesters. After about ten minutes, she and the rest of the protesters began to walk away from the line of officers, realizing that they would not be able to get past them. As the crowd began to walk away, the officers entered the crowd and began to tackle and arrest protesters. § 87(2)(b) ran to the sidewalk and hid behind a stack of trashcans next to an apartment building, about 20 feet from the crowd. After a few minutes, § 87(2)(b) began to record the officers on her phone, specifically an officer who was hitting a protester with his baton. § 87(2)(b) did not know who this protester was. As she was recording, she yelled at the officer to leave the protester alone. The officer then approached § 87(2)(b) and she asked him if he was going to hit her. The officer then pushed her with his hands but did not hit her with his baton. He then walked away. § 87(2)(b) did not know who this officer was, but described him as white male, standing 6'4" tall, in a white-shirt uniform. She did not have any further contact with this officer and did not see him again for the duration of the incident [BR11].

§ 87(2)(b)'s cellphone footage of the incident, § 87(2)(b) shows a male officer in a white shirt approach § 87(2)(b) who is heard shouting to the officers, "Are you going to hit me?" The officer then comes up to § 87(2)(b) and the camera jostles back, indicating that the officer pushed or contacted her in some way. The officer's name and shield number cannot be seen, as it is covered by a black band. The officer then walks away [BR09].

The officers interviewed for this investigation testified that they did not see anyone in the vicinity of § 87(2)(b) before approaching her and were unable to identify this officer [BR12, BR13, and BR14 respectively].

The investigation received the Tour 3 Resource Recap Log, Tour 3 Roll Call, Daily Vehicle Assignment, and the Command Log from the 90th Precinct, where the incident occurred [BR15 and BR16]. The Detail Roster for June 4 was provided from Patrol Borough Brooklyn North (PBBN), although it was only prepared for the tour between 5:00 a.m. and 3:00 p.m. [BR17]. The Detail Memorandum, Post-Event Memorandum, and the Zone and Sector Maps were requested from PBBN, however they were not prepared [BR17].

Emergency Executive Order No. 119, issued by Mayor Bill de Blasio, ordered a City-wide curfew to be in effect each day from 8:00pm until 5:00am, beginning at 8:00pm on June 3, 2020 and ending at 5:00am on June 8, 2020. During this time, no persons or vehicles may be in public between the hours of 8:00pm and 5:00am [BR18].

While § 87(2)(b)'s cellphone footage shows that an officer pushed or contacted her, his name and shield number is hidden. Additionally, the investigation could not locate any civilian or officer witnesses who could potentially provide additional identifying information for this officer. Additionally, the investigation identified officers present from the 73rd, 79th, 90th Precinct, and Patrol Borough Brooklyn North, among other potential commands that were present on scene.

§ 87(2)(g)
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED].

Allegation (B) Force: Captain Tarik Sheppard used physical force against § 87(2)(b)

Allegation (C) Force: Captain Tarik Sheppard used physical force against § 87(2)(b)

After being pushed, § 87(2)(b) received a phone call from § 87(2)(b). The call disconnected and § 87(2)(b) began shouting § 87(2)(b) name to find her. After about a minute, she heard someone shout at her to leave the area. § 87(2)(b) did not know if this was an officer). § 87(2)(b) turned around and saw Captain Sheppard running directly towards her. She had not heard any other commands prior to seeing Captain Sheppard. She stated that she did not hear any commands issued to her by an officer or over a loudspeaker. Captain Sheppard tackled § 87(2)(b) to the ground, maintaining contact with her upon hitting the ground. § 87(2)(b) landed on her knees and shoulders, face-first. Captain Sheppard placed her hands behind her back and placed his knee on her shoulder blade, pressing her into the ground. § 87(2)(b) stated that this caused her to squirm out of discomfort, as she is 120 pounds and Captain Sheppard, who stands 6'5" tall and weighs 220 pounds, was placing his full weight on her shoulder [BR11].

§ 87(2)(b) testified that he and his wife, § 87(2)(b) observed the incident from the outside steps of § 87(2)(b). Neither he nor § 87(2)(b) were familiar with § 87(2)(b). While on the stairs, § 87(2)(b) ran into their view, pursued by three or four other officers. § 87(2)(b) was taken to the ground, although § 87(2)(b) could not describe how this was done and did not know which officer did this. Once § 87(2)(b) hit the ground, the officers who were following her tried to arrest her. § 87(2)(b) stated that the officers appeared to be hitting § 87(2)(b) as one officer raised his hand and brought it down towards her. He was unsure whether this hand strike connected with § 87(2)(b). § 87(2)(b) was not doing anything physically with her body to resist being handcuffed but was yelling for help while lying face down on the pavement. He did not see any officer place a knee on § 87(2)(b)'s back [BR19].

Captain Sheppard testified that, upon responding to Wythe Avenue and Penn Street, he, Det. Dorrejo and PO Martinez, cleared the area, informing the protesters that they were in violation of the curfew. Captain Sheppard approached § 87(2)(b) who was alone in the middle of the sidewalk and told her to leave the area. § 87(2)(b) responded, "Fuck you, pigs, I'm not going no-fucking-where." Captain Sheppard repeated this command three to four times, to which § 87(2)(b) repeated a similar response each time. Captain Sheppard informed her if she did not leave, she would be arrested. § 87(2)(b) repeated, "Fuck you, pig." Captain Sheppard moved forward a couple of steps and grabbed § 87(2)(b)'s upper body. Upon being grabbed, § 87(2)(b) lifted her leg and Captain Sheppard believed she was going to kick him. She did not kick him or make physical contact with him prior to being grabbed. Captain Sheppard then tackled § 87(2)(b) to the ground but did not recall if he went to the ground with § 87(2)(b). She landed on her chest and Captain Sheppard ordered her to put her hands behind her back, which she refused to do. He then moved away from § 87(2)(b) while officers (he did not know who) attempted to handcuff § 87(2)(b). § 87(2)(b) contorted her body, kicking her legs and attempting to pull her arms out of the officers' grip, but did not make physical contact with them. He did not place his knee on § 87(2)(b)'s back and did not know if any officer did this [BR12].

PO Martinez testified that he and Det. Dorrejo followed Captain Sheppard while he conducted crowd control. After a minute on scene, the officers encountered § 87(2)(b) who was by herself on the sidewalk. Captain Sheppard approached her and informed her she had to leave. § 87(2)(b) responded, "Fuck you pig." PO Martinez was two to three feet behind them.

Captain Sheppard repeated his order again and she responded the same way. Captain Sheppard then told § 87(2)(b) that if she did not leave the scene, she would be arrested. § 87(2)(b) then turned around and Captain Sheppard moved forward, grabbing § 87(2)(b) with one hand, although PO Martinez did not know where. § 87(2)(b) had not made any physical contact with the officers prior to this. Almost immediately, Captain Sheppard and § 87(2)(b) went to the ground, although PO Martinez did not know if this was caused accidentally. § 87(2)(b) landed face-first on the ground and Captain Sheppard fell on top of her. Captain Sheppard moved away from § 87(2)(b) and PO Martinez went to handcuff her. § 87(2)(b) flailed her arms and legs as he attempted to handcuff her. Another officer assisted PO Martinez, although he did not know who this officer was. PO Martinez did not place his knee on § 87(2)(b)'s back and did not use any other force aside from grabbing her arm. He did not see any other officer do this [BR13].

Det. Dorrejo testified that he, along with Captain Sheppard and PO Martinez arrived at the location in response to a radio call for officer assistance. After less than five minutes on scene, the officers encountered § 87(2)(b) who was standing mid-block on the sidewalk, in front of a crowd of 50 to 60 people. Det. Dorrejo stated that § 87(2)(b) was the loudest of the protesters there and was encouraging the crowd to stay. He, Captain Sheppard, and PO Martinez approached her, standing at a distance of about ten feet. Captain Sheppard told § 87(2)(b) more than five times that if she did not leave the scene, then she would be arrested, to which § 87(2)(b) responded, "Fuck you, pig." Captain Sheppard then went to grab § 87(2)(b)'s arm. At this point, Det. Dorrejo moved towards the group of 50 to 60 protesters, whom he stated attempted to move towards to § 87(2)(b) and Captain Sheppard. He could not approximate how close the protesters got to § 87(2)(b) but stated that they did not "get close enough". As he was facing the crowd, he did not see how Captain Sheppard took § 87(2)(b) to the ground. He did not place a knee on § 87(2)(b)'s back [BR14].

§ 87(2)(b) provided video footage of the incident, although the footage was provided in clips and did not continuously capture the whole incident. The cellphone footage did not capture the forcible takedown. It did not depict any crowd in the vicinity of § 87(2)(b) and the officers. Video footage depicts Captain Sheppard on the ground with § 87(2)(b) he is seen making physical contact with her, but it is unclear from the video what specific actions he is taking. It does not appear that he places a knee on her back. Three officers in riot gear, one of whom is assumedly PO Martinez, approach § 87(2)(b) and grab her arms to handcuff her. The video then ends [BR06]. Captain Sheppard, PO Martinez, and Det. Dorrejo were not equipped with BWC [BR12, BR13, and BR14 respectively].

Patrol Guide Procedure 221-01 states that the reasonableness of the use of force is based upon the totality of the circumstances known by the MOS at the time of the use of force (e.g. the nature and severity of the crime, actions taken by subject, duration of actions, Immediacy of perceived threat or harm to subject, members of the service, and/or bystanders, the size, age, and condition of the subject in comparison to the MOS, presence of hostile crowd or agitators, if the subject appears to be under the influence of stimulants/narcotics which would affect their pain tolerance or increase likelihood of violence, etc.). The Department examines the reasonableness of force viewed from the perspective of a member with similar training and experience placed into the same circumstances as the incident under investigation [BR20].

§ 87(2)(b), § 87(2)(g)

Furthermore, both PO Martinez and PO Dorrejo did not observe § 87(2)(b) attempt to kick Captain Sheppard, or use force against any officer, and stated she had turned around prior to being

grabbed. Despite the absence of footage, Captain Sheppard, Det. Dorrejo, and PO Martinez did not describe any actions taken by § 87(2)(b) that would have amounted to resisting arrest and would have warranted a forcible takedown. Additionally, as per Det. Dorrejo's testimony, no member of the crowd interfered with or came within the vicinity of the officers, which is corroborated by the cellphone footage. At the time of the takedown, § 87(2)(b) was under arrest for violating the city-wide curfew, a misdemeanor; § 87(2)(b), § 87(2)(g). In addition, Captain Sheppard stands 6'5" tall, while § 87(2)(b) is 5'11" tall, giving him a significant physical advantage over § 87(2)(g).

Captain Sheppard testified that he did not attempt to handcuff § 87(2)(b) and stood up after going to the ground, which PO Martinez's testimony was consistent with. PO Martinez and Det. Dorrejo both denied placing a knee on § 87(2)(b)'s back and stated that the only force used was in grabbing § 87(2)(b)'s arms. Captain Sheppard, from where he was stationed above the officers, also did not see any officer place a knee on § 87(2)(b)'s back. The video footage of the incident shows the officers making physical contact with § 87(2)(b) although it is unclear what specific actions they are taking. § 87(2)(g)

Allegation (D) Force: Tarik Sheppard used a taser against § 87(2)(b)

Allegation (E) Force: Officers used physical force against § 87(2)(b)

After being taken to the ground and prior to being handcuffed, § 87(2)(b) felt herself be tased. She did not hear any commands or warnings issued prior to being tased. As she was being tased, § 87(2)(b) felt blows all over her body, but was unable to discern how many times or where specifically on her body she was struck, due the taser charge [BR11].

§ 87(2)(b) testified that after an unknown period of time of the officers attempting to handcuff § 87(2)(b) they stepped back and Captain Sheppard tased her. He did not hear the officers issue any commands prior to tasing § 87(2)(b) yelled out in pain and screamed for help while being tased. After she was tased, the officers handcuffed § 87(2)(b) stood her up, and walked her down the block. § 87(2)(b) approximated that the entire incident lasted about one minute [BR19].

Captain Sheppard testified that he told § 87(2)(b) after an indeterminate period that if she did not stop resisting arrest, he would tase her. § 87(2)(b) responded, "Fuck you," and kept her arm under her body. The officers continued to pull at her arm to free it. Captain Sheppard told the officers to step back and repeated his warning. § 87(2)(b) again responded, "Fuck you", and he discharged his taser, striking her in the upper back area. Captain Sheppard explained that he was afraid the officers, in using physical force to handcuff § 87(2)(b) would unintentionally injure her, as she was slim. He determined that tasing § 87(2)(b) would be a safer way to gain compliance from her. Captain Sheppard did not hear § 87(2)(b) complain of any injury prior to being tased. He did not see any officers make physical contact with § 87(2)(b) while she was being tased. Captain Sheppard stated that, after she was tased, § 87(2)(b) placed her hands behind her back and apologized to the officers [BR12].

While attempting to handcuff § 87(2)(b) PO Martinez grabbed one of her arms. § 87(2)(b) then placed her other arm under her stomach. PO Martinez and the other officer attempted to grab § 87(2)(b)'s arm out from under her. After 30 seconds to one minute, Captain Sheppard told the officers to step back, which they did. Captain Sheppard then told § 87(2)(b) that if she did not put her hands behind her back, he would tase her. § 87(2)(b) did not comply with this and he discharged his taser. PO Martinez stated that he believed Captain Sheppard decided to do this as § 87(2)(b) was "frail" and he was afraid they would break her arm in the process of handcuffing her. Captain Sheppard tased § 87(2)(b) for one "ride", which lasted for approximately five seconds. As the darts contacted her body, § 87(2)(b) screamed out in pain and her body went straight. Once the "ride" was finished, § 87(2)(b) immediately put her hands behind her back and one of the officers handcuffed her, although PO Martinez could not remember who [BR13].

Det. Dorrejo stated that he periodically looked between the officers with § 87(2)(b) and the crowd. He observed PO Martinez struggling to handcuff § 87(2)(b) who was kicking her legs and had her arms tucked under body, while screaming at the crowd for help. At one point, another officer, whom Det. Dorrejo did not know, appeared and assisted in attempting to handcuff § 87(2)(b). Det. Dorrejo stated that he stayed with the crowd, ordering them to back up; he and the protesters did not make any physical contact, although multiple protesters told Det. Dorrejo that they were going to kill him and his family. Multiple additional officers moved through the crowds conducting arrests, although Det. Dorrejo did not know who these officers were. He approximated that of the 50 to 60 protesters in the crowd, 25 to 30 people were directly focused on the altercation between § 87(2)(b) and Captain Sheppard. After about 30 seconds, Det. Dorrejo heard Captain Sheppard tell PO Martinez to step away from § 87(2)(b). He then warned § 87(2)(b) that if she did not stop resisting, he would tase her. § 87(2)(b) did not comply with this order, although Det. Dorrejo did not know if § 87(2)(b) directly acknowledged Captain Sheppard's threat. Captain Sheppard then discharged his taser, striking § 87(2)(b) who was still lying face-down, in her side [BR14].

Cellphone footage of the incident depicts Captain Sheppard tasing § 87(2)(b) [BR07]. This video is 14 seconds long; it is unclear how much time has passed between this video and the first video § 87(2)(b) recorded [BR07 and BR06, respectively]. The video shows approximately three officers attempting to handcuff § 87(2)(b) – it is clear they are making physical contact with her, but their specific actions are unclear from the footage. § 87(2)(b) is seen squirming on the ground yelling for help. No additional civilians or crowd of civilians are seen in the vicinity of the officers. At 11 seconds, a red taser dot appears on § 87(2)(b) who had turned onto her side. At 12 seconds, someone is heard saying, "Let go"; the officers handcuffing § 87(2)(b) move back and she is tased. § 87(2)(b) provided cellphone footage of § 87(2)(b) being arrested, which is in a separate clip and appears to resume immediately after § 87(2)(b) being tased. The video shows officers grabbing § 87(2)(b)'s arm and placing her hand into a zip-tie. § 87(2)(b)'s other hand was already zip-tied. § 87(2)(b) is then stood up and walked down the block and out of the camera's view [BR08]. Captain Sheppard, PO Martinez, and Det. Dorrejo were not equipped with BWC [BR12, BR13, and BR14 respectively].

According to Patrol Guide Procedure 221-08, a member of force may use a conducted electrical weapon (CEW), such as a taser, against persons who are actively resisting, exhibiting active aggression, or to prevent individuals from physically injuring themselves or other person(s). When determining if using a CEW is reasonable, a member of service must consider the nature/severity of the crime/circumstances, actions taken by the subject, duration of the actions, immediacy of the perceived threat or harm to the subject, MOS, or bystanders, if the subject is

actively resisting custody, whether the subject is attempting to evade arrest by flight, number of subjects in comparison to the number of MOS, size, age, and condition of the subject in comparison to the MOS, and the subject's violent history (if know) [BR21].

§ 87(2)(g) Captain Sheppard stands 6'5'' tall and weighs approximately 220 pounds; his size, age, and condition puts him at a significant physical advantage over § 87(2)(b) who is 5'11'' tall and weighs 120 pounds. § 87(2)(b), § 87(2)(g)

§ 87(2)(b). While both Captain Sheppard and PO Martinez stated that § 87(2)(b) was tased to avoid any potential injuries she may have sustained through physical force, PO Martinez and Det. Dorrejo both acknowledged that only 30 seconds to one minute passed before § 87(2)(b) was tased, which given the nature of her violation, and the fact that she did not kick or strike an officer, was a very brief period of time. While Det. Dorrejo maintained that there was a large crowd in the vicinity, he acknowledged that no protesters attempted to interfere, which the cellphone footage corroborated. In addition, Captain Sheppard did not mention this as a reason for tasing § 87(2)(b) and maintained his only reason for doing so was to prevent injuring § 87(2)(b). Furthermore, § 87(2)(b) did not complain of any pain during the initial handcuffing attempt, but was ultimately removed to hospital due Captain Sheppard's actions. § 87(2)(g)

While § 87(2)(b)'s cellphone footage shows officers making physical contact with § 87(2)(b) after she is tased, it is unclear what specific actions the officers take. § 87(2)(b) was unable to identify which officers grabbed her, as she was face-down on the ground. Captain Sheppard and PO Martinez denied using any force aside from pulling on § 87(2)(b)'s arms. Det. Dorrejo did not observe any officers use physical force against § 87(2)(b) and denied attempting to handcuff her. § 87(2)(g)

Allegation (F) Abuse of Authority: Officers detained § 87(2)(b)

Allegation (G) Abuse of Authority: Captain Tarik Sheppard threatened § 87(2)(b) with the use of force.

After the taser discharged, § 87(2)(b) was handcuffed with zip-ties and stood up. Taser barbs were still lodged in her ribcage and waist area. An officer, unknown to the investigation, stood § 87(2)(b) up and began to escort her to a van at the end of the block. § 87(2)(b) asked this officer to remove the barbs from her stomach, which he refused, and told him that she could not breathe. Upon reaching the van, he instructed the three protesters inside to leave, which frightened § 87(2)(b). Captain Sheppard, PO Martinez, and this officer entered the van with § 87(2)(b) and began asking her questions. § 87(2)(b) stated she could not answer these questions, as she was in pain from the taser barbs. She repeatedly told the officer that she could not breathe and that she thought something was wrong, to which Captain Sheppard responded, "You're really not going to be able to breathe if you keep up this performance." § 87(2)(b) was driven in this van for approximately ten minutes, where she was then taken to an unknown location. She was informed that an ambulance had been called for her. By the time the ambulance arrived, approximately 40 minutes had passed since she was first tased. The EMTs informed her that the taser barbs were too deeply imbedded and that they would have to remove them at the hospital. Prior to leaving the scene, PO Martinez wrote her a summons and placed it in

her bag [BR02]. § 87(2)(b) § 87(2)(b) Hospital without a police escort. She did not have any further contact with Captain Sheppard since the incident [BR11].

After § 87(2)(b) was tased, she was handcuffed, although Captain Sheppard did not know which officer did this. She was then stood up and walked to a gas station down the block, where an ambulance was meeting them. § 87(2)(b) still had taser barbs lodged in her body. Captain Sheppard did not recall § 87(2)(b)'s tone and demeanor while being walked to the ambulance. He did not recall if she stated that she was having trouble breathing. He did not tell § 87(2)(b) "You're really going to have trouble breathing if you keep up this performance" and did not hear any officer make this statement. When EMS arrived, they informed Captain Sheppard that they were removing § 87(2)(b) to the hospital, although he did not know why. PO Martinez then issued a summons to § 87(2)(b) which Captain Sheppard was present for, but could not remember if he instructed him to do so. EMS then left the scene with § 87(2)(b) and Captain Sheppard responded to another call [BR12].

PO Martinez stated that medical personnel was required to remove the taser darts, which were still lodged in § 87(2)(b)'s rib area. Due to the protest crowd, the ambulance had to meet § 87(2)(b) and the officers at a gas station down the block. As he was walking her to the ambulance, § 87(2)(b) complained of the pain from the darts, but she did not complain of any other pain. PO Martinez did not hear her state that she could not breathe. He did not hear Captain Sheppard tell § 87(2)(b) "You're really not going to be able to breathe if you keep up this performance." As EMS treated § 87(2)(b) Captain Sheppard instructed him to issue § 87(2)(b) a summons rather than take her back to the stationhouse, as she had to go to the hospital to have the darts removed. § 87(2)(b) was taken to the hospital and Captain Sheppard, PO Martinez, and Det. Dorrejo responded to another call [BR13].

Det. Dorrejo stated that, once § 87(2)(b) was handcuffed, he assisted PO Martinez in lifting her up off the ground. He, Captain Sheppard, and PO Martinez then walked with her down the block to meet an ambulance, which he believed was already on scene. § 87(2)(b) was walking without assistance and was crying. Det. Dorrejo did not hear § 87(2)(b) say that she was having trouble breathing and did not hear Captain Sheppard respond, "You're really going to have trouble breathing if you keep up thos performance." He stated § 87(2)(b) and the officers did not have any conversation. He did not observe § 87(2)(b) exhibit any signs that she was struggling to breathe. Once they arrived at the ambulance, EMTs treated § 87(2)(b) who was ultimately removed to the hospital. Det. Dorrejo did not have any conversation with the EMTs [BR14].

§ 87(2)(b)'s removal to the ambulance and treatment by EMS was not captured on cellphone footage or BWC [BR06 through BR08 and BR09, respectively].

Emergency Executive Order No. 119, issued by Mayor Bill de Blasio, ordered a City-wide curfew to be in effect each day from 8:00pm until 5:00am, beginning at 8:00pm on June 3, 2020 and ending at 5:00am on June 8, 2020. During this time, no persons or vehicles may be in public between the hours of 8:00pm and 5:00am [BR18].

It is undisputed that § 87(2)(b) was in violation of the City-wide curfew and was detained as a result. As per PO Martinez's testimony, Captain Sheppard intended to have § 87(2)(b) brought to a stationhouse, but this was preempted by § 87(2)(b)'s need for medical attention and she was issued a summons in lieu of further detainment. § 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

Allegation (H) Offensive Language: At the intersection of Penn Street and Wythe Avenue in Brooklyn, an officer made offensive remarks to § 87(2)(b)

Allegation (I) Force: At the intersection of Penn Street and Wythe Avenue in Brooklyn, an officer used physical force against § 87(2)(b)

§ 87(2)(g)

§ 87(2)(b) testified that she was with § 87(2)(b) at the Penn Street and Wythe Avenue protest in Brooklyn at approximately 8:00 p.m. After about an hour, police officers entered the crowd and began chasing the protesters. § 87(2)(b) was separated from § 87(2)(b). While hiding behind some trash bags, § 87(2)(b) called § 87(2)(b) in the hopes of finding her, but their call was disconnected. § 87(2)(b) and § 87(2)(b) began yelling each other's names back and forth. § 87(2)(b) began walking towards § 87(2)(b)'s voice and heard her yell out in pain. § 87(2)(b) followed § 87(2)(b)'s screaming until she reached a group of officers who were surrounding § 87(2)(b). § 87(2)(b) could not see her but stated that she was still screaming in pain. She asked the officers to let her be with § 87(2)(b) or accompany her to wherever she was being taken. No officer responded to this. After about two minutes, approximately ten officers began chasing § 87(2)(b) down the block. Once she reached the end of the block, she became afraid of the officers and was unable to run any further, so she laid on the ground and pushed her body into the pavement. § 87(2)(b) then felt hands grab her arms, head, and back. One officer placed their knee on her leg, but she was unable to see which officer did this. § 87(2)(b) did not resist arrest and was handcuffed with zip-ties, which she said were "painfully tight". One officer cut her backpack off her body. As this was going on, two officers, who § 87(2)(b) described as a uniformed Hispanic male, standing 5'10" tall, with a fit build, between 23 to 28 years old and an overweight white male, in uniform, standing 6'0" tall, in his mid-thirties with a shaved head, referred to her as "Laura Croft", which made § 87(2)(b) uncomfortable, as she believed they were speaking about her in a sexual way [BR22].

§ 87(2)(b) received a summons, issued by PO Negrón, for violating the curfew imposed by the mayoral executive order [BR03]. The Arrest Processing Report generated for the Mass Arrest Processing Center listed PO Negrón as her arresting officer [BR23]. Aside from this, the investigation did not receive any additional documentation regarding § 87(2)(b) arrest.

PO Negrón testified that he responded to Penn Street and Wythe Avenue after receiving a radio call requesting additional units to the scene. Two minutes after arriving on scene, PO Negrón was approached by a lieutenant, whom he did not know, who passed him a male individual, already handcuffed. The lieutenant informed PO Negrón to take this individual to the transport bus on scene. PO Negrón did not observe this individual's arrest. Afterwards, a captain approached PO Negrón and instructed him to remain with the bus and accompany it to Brooklyn Central Booking. About three or four other individuals were additionally brought to the bus, but PO Negrón did not know if they were male or female. He did not observe any arrests made while he was on scene. He did not see an officer place their knee on the leg of a female or use any other force. He did not hear

any officer refer to any protester as “Laura Croft” while he was on scene. Three other officers were on the bus; PO Negron only knew one, PO Husbands [BR24].

PO Husbands testified that, after responding to a call for police backup, Deputy Inspector Skretch from the 79th Precinct handed him a handcuffed woman and directed him to escort her to the transport bus on scene. PO Husbands did not see her get handcuffed and was not familiar with her. He was shown a photograph of § 87(2)(b), but did not recognize her and was not the person he escorted. After arriving at the transport bus, a captain approached PO Husbands and instructed him to stay with the bus, as he would be accompanying it to Brooklyn Central Booking. PO Husbands did not observe any protester arrested while he was on scene. He did not see any officer place a knee on a female protester’s leg or use any other force. He did not hear any officer refer to a female protester as “Laura Croft” [BR25].

TARU footage received by the investigation did not capture this incident [BR04 and BR05]. No BWC footage was received for this incident [BR09].

As detailed above, the only documentation relating to § 87(2)(b) arrest was prepared by PO Negron, who stated that he did not observe § 87(2)(b) arrest and could only identify PO Husbands as being present on scene. While § 87(2)(b) provided descriptions of the officers who arrested her, she did not obtain any identifying information for the officers. § 87(2)(b), § 87(2)(g)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

Allegation (J) Offensive Language: At Brooklyn Central Booking in Brooklyn, officers made offensive remarks to § 87(2)(b)

§ 87(2)(b), § 87(2)(g)

§ 87(2)(b)

§ 87(2)(b) testified that, after she was handcuffed, she was placed into a bus, and was transported with other protesters to Brooklyn Central Booking. § 87(2)(b) and the other protesters waited in line for about two hours to being processed. While waiting in line, § 87(2)(b) dropped her backpack and the contents spilled on the ground. When she squatted down to retrieve them, the white male officer from Penn Street and Wythe Avenue commented, “What moves are you going to do, Tomb Raider”. One female officer laughed uncomfortably at this, but then gave the officer a look, as if to quiet them. § 87(2)(b) stated that she continually asked officers to loosen her zip-ties, which were getting tighter due to holding onto her backpack. She asked one officer to loosen her handcuffs, to which the officer responded, “Why don’t you give me a little spin?” § 87(2)(b) spun around, stating she did not think at the time the sexual implications of what the officer had asked. The officer then responded, “Looks nice. The handcuffs are supposed to be tight.” A female protester next to § 87(2)(b) said, “that’s disgusting”, to the officer. § 87(2)(b) described the officer as a Middle Eastern male, with olive skin, standing 5’9”-5’10” tall, a “buff” built, in plainclothes with a white collared shirt, with short brown hair, wearing glasses, and in his mid-thirties. § 87(2)(b) and the protesters were then placed in the holding cell, where she and another protester remained handcuffed. § 87(2)(b) was finally released from her zip-ties after four or five hours of being initially handcuffed. She was released from Brooklyn Central Booking at around 1:30 a.m. with a summons for unlawful assembly [BR22].

After the bus was loaded, PO Negron, PO Husbands, and two other officers transported 24 protesters to Brooklyn Central Booking. Upon arriving at Central Booking, a supervising sergeant, whom PO Negron did not know, instructed him and PO Husbands that they would be issuing C-summons to the protesters on the bus. The two officers split the summonses. At one point, the protesters were lined up waiting to retrieve their property, but this was handled by the ten to twelve other officers at Central Booking. PO Negron did not have any protester inform him that his handcuffs were too tight. He did not observe any protester drop their backpack and an officer say, “What moves are you going to do, Tomb Raider”, in response. He did not hear any officer tell a female protester to “give a spin” and say “looks nice” in response. Aside from writing the summonses, PO Negron did not take any additional police action. He left Brooklyn Central Booking at approximately 11:00 p.m.; the protesters from the bus were released some time before this [BR24].

PO Husbands’ testimony was largely consistent with PO Negron. After an unknown time on scene, he transported the protesters on the bus to Brooklyn Central Booking. Upon arriving, he was instructed by an unknown supervising sergeant to issue summonses to the protesters they had transported. PO Husbands wrote the summonses with another officer, although he did not know who this officer was. At one point, the protesters were lined up outside waiting to be processed; he stated that this was the only time they were at a standstill. No protesters approached him and informed him that their zip-ties were too tight. He did not observe any individual drop their backpack while in line and did not hear any officer comment, “What moves are you going to do Tomb Raider?” in response. He did not see any officer tell a female protester to “give a spin” and say “looks nice”, in response. It took PO Husbands approximately 45 minutes to an hour to write the summonses. Afterwards, the protesters, who had been lodged in the holding cells, were released. PO Husbands then left Brooklyn Central Booking and resumed his tour [BR25].

While § 87(2)(b) provided detailed descriptions of the subject officers, she could not provide the officers names and shield numbers, and the investigation was unable to determine which command the officers were from, as there were multiple officers from different commands, like PO Negron and PO Husbands, present at Brooklyn Central Booking. § 87(2)(g)

[REDACTED]

§ 87(4-b), § 87(2)(g)

[REDACTED]

[REDACTED]

[REDACTED]

§ 87(4-b), § 87(2)(g)

Civilian and Officer CCRB Histories

- This is the first CCRB complaint both § 87(2)(b) and § 87(2)(b) have been party to [BR30 and BR31, respectively].
- Captain Sheppard has been a member of service for 17 years and has been a subject in two prior CCRB complaints and four allegations, none of which were substantiated. § 87(2)(g)
§ 87(2)(g):
 - § 87(2)(g)
- PO Martinez has been a member of service for eight years and has been a subject in three prior CCRB complaints and 20 allegations. Two prior complaints contained substantiated allegations:
 - Case #201604293, in which allegations of a frisk, interference with a recording, and vehicle search, were substantiated. The Board recommended formalized training, which PO Martinez ultimately received.
 - Case #201604395, in which allegations of a chokehold, gun pointed, force – other, physical force, gun drawn, retaliatory arrest, and a threat of force were substantiated. The Board recommended Command Discipline B; the NYPD ultimately determined no finding for the allegations and no penalty was issued.

Mediation, Civil and Criminal Histories

- This complaint was unsuitable for mediation.
- According to the New York City Office of the Comptroller, § 87(2)(b) filed a Notice of Claim, filed on her behalf by her attorney § 87(2)(b) seeking \$5 million in damages for sustained physical injuries, loss of liberty, psychological and physical distress, physical pain and suffering, and violations of rights guaranteed by the Federal and New York State Constitutions [BR32].
- According to the New York City Office of the Comptroller, § 87(2)(b) filed a Notice of

Claim, filed on her behalf by her attorney § 87(2)(b), seeking \$5 million in damages for sustained physical injuries, loss of liberty, psychological and physical distress, physical pain and suffering, and violations of rights guaranteed by the Federal and New York State Constitutions [BR33].

- According to the Office of Court Administration, neither § 87(2)(b) nor § 87(2)(b) has a criminal conviction history in New York City [BR34 and BR35, respectively].

Squad No.: 8

Investigator: Genevieve Lamont Inv. Genevieve Lamont 3/29/2021
Signature Print Title & Name Date

Squad Leader: Ethan De Angelo IM Ethan De Angelo 3/30/2021
Signature Print Title & Name Date

Reviewer: _____
Signature Print Title & Name Date